

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ISIAM RAY FRIAR,

Plaintiff,

-v-

WYNDHAM VACATION RESORTS,
INC., DERRICK TAYLOR, and MARIA
MAESE,

Defendant.

20-CV-2627 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

On July 14, 2020, Plaintiff filed a motion in limine, seeking a ruling as to the admissibility of certain evidence of Defendants' practices. (Dkt. Nos. 27, 28.) In limine rulings have developed as part of "the district court's inherent authority to manage the course of trials." *Luce v. United States*, 469 U.S. 38, 41 n.4 (1984). They are meant to determine whether certain kinds of evidence can be admitted at trial. In this case, however, the motion in limine has been filed too early. There is a motion to dismiss pending, there is no discovery plan currently in place, and no trial has been scheduled. *See, e.g., Wechsler v. Hunt Health Systems, Ltd.*, 2003 WL 21998985, at *1 (S.D.N.Y. Aug. 22, 2003) (finding a motion in limine premature because it concerned proposed trial exhibits that the plaintiff had not yet sought to move into evidence).

Plaintiff's request for a discovery order is likewise premature. Requests for discovery generally may not be made before the parties have conferred, and a request for the production of certain documents must be made using the procedures outlined in Rules 26 and 34 of the Federal Rules of Civil Procedure. The Court may compel discovery if Plaintiff properly seeks it and the opposing party fails to respond, but not before.

Accordingly, Plaintiff's motion in limine is denied without prejudice to renewal at a later stage in these proceedings.

The Clerk of Court is directed to close the motion at Docket Number 27.

SO ORDERED.

Dated: July 22, 2020
New York, New York



J. PAUL OETKEN
United States District Judge